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5 Attorneys for Trans'-Global LLC, a California limited liability company

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 TRANS'-GLOBAL LLC, a California limited  
liability company,

Case No. C13-2149 WHO

**Plaintiff,**

vs.

LIA DETOMASI; MARIO P. DETOMASI; LORI THORNTON; JEFFREY DONATI; DANIEL DONATI; MARCIA M. MELNIKOFF; LAWRENCE BERTOLUCCI; LIA DETOMASI as trustee of THE BERTHA A. DONATI TRUST FBO MARC DONATI; LIA DETOMASI and MARIO P. DETOMASI as trustees of THE DETOMASI FAMILY TRUST u/a/d June 28, 2005; LORI THORNTON and LIA DETOMASI, as trustees of THE BERTHA DONATI TRUST u/a/d September 30, 1996; MARC DONATI and VICKIE DONATI, as trustees of THE BERTHA A. DONATI TRUST; PAUL DONATI, ELISA M. DONATI KLUNIS and STEVE DONATI, as trustees of THE JULIO A. DONATI FAMILY TRUST u/a/d June 21, 2002; MARCIA M. MELNIKOFF as trustee of the TESTAMENTARY TRUST UNDER THE WILL OF JOSEPHINE BERTOLUCCI; MARCIA M. MELNIKOFF and LAWRENCE BERTOLUCCI as trustees of THE LAWRENCE R. BERTOLUCCI REVOCABLE LIVING TRUST dated June 6, 2007; KI MOON HONG; MYUNG S. HONG; SEO OK OH; SOOK OH, SUN YE OH, SUMI KIMURA, GEORGE KIMURA and DOES 1-25, inclusive.

**STIPULATION TO EXTEND DEADLINE  
FOR MEDIATION AND RESCHEDULE  
CASE MANAGEMENT CONFERENCE &  
ORDER**

APR LOCAL RULE 6-5

Honorable William H. Orrick

Defendants

27 AND ALL RELATED CROSS-CLAIMS and  
28 COUNTER-CLAIMS

1 Plaintiff Trans'-Global LLC, a California limited liability company (“Plaintiff”),  
 2 Defendants Lia DeTomasi; Mario P. DeTomasi; Lori Thornton; Jeffrey Donati; Daniel Donati;  
 3 Marcia M. Melnikoff; Lawrence Bertolucci; Lia DeTomasi As Trustee Of The Bertha A. Donati  
 4 Trust FBO Marc Donati; Lia DeTomasi and Mario P. DeTomasi As Trustees Of The DeTomasi  
 5 Family Trust U/A/D June 28, 2005; Lori Thornton And Lia DeTomasi, As Trustees Of The Bertha  
 6 Donati Trust U/A/D September 30, 1996; Marc Donati And Vickie Donati, As Trustees Of The  
 7 Bertha A. Donati Trust; Paul Donati, Elisa M. Donati Klunis And Steve Donati, As Trustees Of  
 8 The Julio A. Donati Family Trust U/A/D June 21, 2002; Marcia M. Melnikoff As Trustee Of The  
 9 Testamentary Trust Under The Will Of Josephine Bertolucci; Marcia M. Melnikoff And Lawrence  
 10 Bertolucci As Trustees Of The Lawrence R. Bertolucci Revocable Living Trust Dated June 6,  
 11 2007 (hereinafter collectively referred to as the “Owner Defendants”); Ki Moon Hong; Myung S.  
 12 Hong; and Sumi Kimura and Cross-Defendant Thomas G. Palmer, Jr. (hereinafter collectively  
 13 referred to as the “Operator Defendants”) (Plaintiff, Owner Defendants, and Operator Defendants  
 14 together, the “Parties), by and through their undersigned counsel of record, hereby submit the  
 15 following stipulation to extend the deadline for mediation and the December 2, 2014 case  
 16 management conference in the above-captioned matter.

17 WHEREAS, on June 3, 2014, the Parties appeared for a scheduled case management  
 18 conference, discussed the status of the case and agreed to participate in mediation. The court and  
 19 Parties discussed the appropriate time frame for conducting mediation, the court referred the  
 20 matter to the ADR Unit for mediation, to be completed by October 31, 2014, as agreed upon by  
 21 the parties. A further case management conference was set for December 2, 2014, after the  
 22 mediation deadline.

23 WHEREAS, shortly after the June 3, 2014 case management conference, the Parties jointly  
 24 selected a mediator and reported the selection to the ADR Unit. The Parties participated in a July  
 25 10, 2014 pre-mediation conference call with the mediator and selected a mutually agreeable  
 26 mediation date of October 8, 2014.

27 WHEREAS, plaintiff obtained competitive bids for the necessary soil and shallow  
 28 groundwater removal, has provided the bids to the other Parties, selected a contractor and

1 scheduled the work for later this year.

2 WHEREAS, the San Mateo County Department of Environmental Health (“County”),  
 3 which is overseeing plaintiff’s environmental investigation and remediation notified plaintiff of  
 4 groundwater contamination at a nearby San Francisco Public Utility Commission groundwater  
 5 well and requested additional groundwater investigation at plaintiff’s property. Plaintiff  
 6 previously obtained one groundwater sample from the site, which did not show the presence of dry  
 7 cleaning solvents above the laboratory method detection levels.

8 WHEREAS, on September 4, 2014, in preparation for mediation, plaintiff’s counsel  
 9 provided the other Parties with summary of the past and anticipated future environmental costs  
 10 incurred or to be incurred by the plaintiff. Plaintiff’s counsel noted that if contamination was  
 11 identified in the groundwater, then additional environmental investigation and remediation costs  
 12 would likely be incurred and plaintiff’s estimates would have to be revised.

13 WHEREAS, on September 11, 2014, plaintiff submitted to the County a Groundwater  
 14 Investigation Work Plan. Plaintiff has scheduled the additional groundwater investigation to begin  
 15 on October 22, 2014 and will have results in the field.

16 WHEREAS, on September 26, 2014, certain defendants indicated that they are not willing  
 17 to enter into a partial settlement or one that does not include a complete release of all past and  
 18 future claims. Plaintiff responded that it was not willing to enter into a complete and final release  
 19 of all claims given the potential for significant additional groundwater investigation and  
 20 remediation costs. The Parties agreed that it would be in their best interests to postpone mediation  
 21 until such time as plaintiff’s additional groundwater investigation determined whether further  
 22 groundwater investigation and/or remediation would be necessary.

23 NOW, THEREFORE, the undersigned Parties stipulate and agree to this request that the  
 24 court postpone the October 31, 2014 mediation deadline until January 31, 2015. The extension  
 25 will give the plaintiff time to conduct the scheduled groundwater investigation and determine if  
 26 additional costs will be necessary. The case management conference presently set for December  
 27 2, 2014, should be postponed until a date available on the court’s calendar after the newly assigned  
 28 mediation deadline.

1 IT IS SO STIPULATED.

2 DATED: October 10, 2014

WENDEL, ROSEN, BLACK & DEAN LLP

4 By: /s/ Greggory C. Brandt

5 Greggory C. Brandt  
6 Attorneys for Trans'-Global LLC, a California  
7 limited liability company

8 DATED: October 10, 2014

ANDERLINI & McSWEENEY LLP

10 By: /s/ G. Chris Anderson

11 G. Chris Anderson  
12 Attorneys for Steven Donati, Paul Donati, Elisa  
13 Donati Kunis and Marcia Melnikoff, et al.

14 DATED: October 10, 2014

BOWLES & Verna

15 By: /s/ Ethan K. Friedman

16 Ethan K. Friedman  
17 Attorneys for Lia DeTomasi, Mario DeTomasi,  
18 Lori Thornton and Daniel Donati

19 DATED: October 10, 2014

SCHUERING ZIMMERMAN & DOYLE, LLP

21 By: /s/ Keith Douglas Chidlaw

22 Keith Douglas Chidlaw  
23 Attorneys for Sumi Kimura

1 DATED: October 10, 2014

HUNSUCKER GOODSTEIN PC

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By: /s/ Maureen Hodson

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Maureen Hodson

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Attorney for Ki Moon Hong and Myung S. Hong

6

DATED: October 10, 2014

LAW OFFICES OF MICHAEL D. McLACHLAN,  
7 APC

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By: /s/ Michael D. McLachlan

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Michael D. McLachlan

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Attorneys for Thomas G. Palmer, Jr.

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## ORDER

Based on the stipulation submitted by counsel and good cause appearing therefor:

The stipulated request to extend the deadline for completing mediation is GRANTED. The deadline for completing mediation is hereby extended to January 31, 2015.

The further case management conference set for December 2, 2014 is vacated. A further case management conference will be held on February 10, 2015 at 2:00 p.m.

IT IS SO ORDERED.

Dated: October 14, 2014

HONORABLE WILLIAM H. ORRICK  
JUDGE OF UNITED STATES DISTRICT COURT